

FUNDED, TO THE EXTENT POSSIBLE, OUT OF SAVINGS GAINED DURING EACH FISCAL YEAR BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND THE DEPARTMENT OF HUMAN RESOURCES, WHICH SAVINGS ARE ATTRIBUTABLE TO SUBSIDIZED ADOPTIONS OCCURRING IN THAT YEAR AND OUT OF APPROPRIATIONS TO THE DEPARTMENT OF HUMAN RESOURCES FOR THE ADOPTION SUBSIDY PROGRAM.

88D.

[[ELIGIBILITY. WHENEVER IT APPEARS THAT A CHILD UNDER PUBLIC OR VOLUNTARY AGENCY CARE, LEGALLY FREE AND IN NEED OF ADOPTIVE PLACEMENT SHOULD BE ADOPTED ONLY BY FOSTER PARENTS WITH WHOM EMOTIONAL TIES HAVE BEEN ESTABLISHED OR THAT IN VIEW OF SPECIAL CIRCUMSTANCES NO APPROPRIATE FAMILY CAN BE FOUND WITHOUT THE USE OF SUBSIDY, AN APPLICATION MAY BE MADE TO THE SOCIAL SERVICES ADMINISTRATION TO CERTIFY THE CHILD AS ELIGIBLE FOR SUBSIDY. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE ADOPTIVE FAMILY'S INCOME SHALL NOT BE A FACTOR IN DETERMINING ELIGIBILITY FOR SUCH SUBSIDY. EVIDENCE OF INABILITY TO PLACE DUE TO SPECIAL CIRCUMSTANCES SHALL BE SUBMITTED WITH THE APPLICATION. IT SHALL SHOW THAT ALL REASONABLE EFFORTS HAVE BEEN MADE TO PLACE WITHOUT SUBSIDY INCLUDING USE OF ADOPTION RESOURCE EXCHANGES, RECRUITMENT EFFORTS, AND REFERRAL TO ANY APPROPRIATE SPECIALIZED ADOPTION AGENCY.]] NO CHILD SHALL BE DENIED THE SUBSIDY BECAUSE THE CHILD HAD A PREEXISTING CONDITION WHICH WAS NOT DISCOVERED OR KNOWN AT THE TIME OF THE ADOPTION, AND THIS SHALL BE APPLICABLE AS WELL TO ALL CHILDREN ADOPTED PRIOR TO THE EFFECTIVE DATE OF THIS ACT AND THOSE ADOPTED THEREAFTER. [[]] AN INDIVIDUAL WHO HAS BEEN APPROVED BY A PUBLIC OR PRIVATE ADOPTION AGENCY AS AN APPROPRIATE ADOPTIVE PARENT, AND WHO SEEKS ADOPTION OF A CHILD MEETING ONE OR MORE OF THE CRITERIA SPECIFIED IN SECTION 88A AND EACH OF THOSE SPECIFIED IN SECTION 88B, SHALL BE ELIGIBLE TO RECEIVE A SUBSIDY WITHOUT REGARD TO FAMILY INCOME OR OTHER ELIGIBILITY FACTORS. APPLICATION FOR THE SUBSIDY SHALL BE FILED WITH THE LOCAL DEPARTMENT OF SOCIAL SERVICES BY THE PROSPECTIVE ADOPTIVE PARENT AND SHALL HAVE APPENDED THERETO EVIDENCE OF INABILITY TO PLACE THE CHILD WITH AN APPROPRIATE FAMILY DUE TO ONE OR MORE OF THE SPECIAL CIRCUMSTANCES LISTED IN SECTION 88A. IT SHALL SHOW THAT ALL REASONABLE EFFORTS HAVE BEEN MADE TO PLACE THE CHILD WITHOUT SUBSIDY. HOWEVER, WITH RESPECT TO A CHILD WHO HAS ESTABLISHED EMOTIONAL TIES WITH A FOSTER FAMILY, NO PROOF OF EFFORTS TO FIND PLACEMENT WITH ANOTHER FAMILY SHALL BE REQUIRED OF THE FOSTER FAMILY APPLYING FOR THE SUBSIDY.

88E.

SUBSIDY AGREEMENT.

(A) WHEN PARENTS ARE FOUND AND APPROVED FOR ADOPTION OF A CHILD IN NEED OF SUBSIDY, THERE SHALL BE A WRITTEN AGREEMENT BETWEEN THE FAMILY ENTERING INTO